

MINUTES
CABARRUS SOIL & WATER CONSERVATION DISTRICT BOARD MEETING
TUESDAY, NOVEMBER 2, 2010

Supervisors Present: Jeff Goforth, Ned Hudson, Bob Ritchie, Louis Suther, and Johnathon Johnson

Staff Present: Amy Griffith, Daniel McClellan and Dennis Testerman

Others Present: Grace Mynatt, Board of Commissioners; Richard Koch, County Attorney; Jonathan Marshall, Commerce Director; Ralston James, Area 8 Coordinator; Wayne Canupp; Betty Canupp; Mary Walker; Lynn Forbes; David Smith; Alan Motley; Vernon Lambert; Mary Bibb; Robert Harris

(1) Call to Order

The meeting was called to order by Bob Ritchie at 6:34 p.m.

(2) Approval of Agenda

The following items were added/changed on the Agenda:

Switch Item 6-A and 6-E on the Agenda

UPON MOTION of Jeff Goforth, seconded by Ned Hudson and unanimously carried, the Board approved the Agenda as amended.

(3) Approval of Minutes

UPON MOTION of Louis Suther, seconded by Jeff Goforth and unanimously carried, the Board approved the October 5, 2010 minutes.

(4) Consent Agenda

UPON MOTION of Johnathon Johnson, seconded by Ned Hudson and unanimously carried, the Board approved the amended Consent Agenda.

(4-A) Hidden Pond Cooperator Agreement

(4-B) Land Trust of Central NC Memorandum of Agreement

(4-C) 2011 Board Meeting Dates

(4-D) Staff Reports

(5) Unfinished Business

(5-A) Cox Mill Elementary School Conservation Easement

Dennis Testerman stated the proposed 33.65 acre easement on the Cox Mill Elementary School campus is in the 100 year floodplain. This easement has recreational facilities on it associated with a community park. The area has been surveyed and staff is in the process of obtaining an updated survey map and completing a baseline documentation report. The value of the conservation easement was included in the matching funds required for the Clean Water Management Trust Fund grant recently awarded to the District for campus stormwater retrofits.

UPON MOTION of Johnathon Johnson, seconded by Jeff Goforth and unanimously carried, the Board approved the Cox Mill Elementary School Conservation Easement.

(5-B) Strategic Plan

Bob Ritchie and Ralston James summarized the Strategic Planning Meeting. Goals to be established in seven categories were e-mailed to the Supervisors for their input.

(6) New Business

(6-A) Recognitions

Grace Mynatt, Board of County Commissioner Liaison, and Bob Ritchie, Board Chairman, were recognized for their accomplishments to the Cabarrus Soil & Water Conservation District and the State.

(6-B) Staff Position Reclassification

Dennis Testerman reported on the proposed reclassification of the existing District Administrative Secretary position to an Administrative Conservationist position. This proposal was discussed at the quarterly District and county leadership meeting, including the fact that District workload expectations exceed those associated with administrative secretary. There was a general discussion among the board members.

UPON MOTION of Jeff Goforth, seconded by Ned Hudson and unanimously carried, the Board approved the proposed staff position reclassification.

(6-C) Budget

Dennis Testerman reviewed the 1st Quarter Expenditures, proposed Capital Improvement Projects, and the NC Ag Development and Farmland Preservation Trust Fund. There was a general discussion among the Board and staff regarding Budget items. Approximately 10% of the District's budget has been spent. Mr. Testerman stated the District

now reports goals on a monthly basis to the Commerce Department and the Deputy County Manager. In regards to Capital Improvement Projects, Mr. Ritchie suggested resubmitting the same CIP items in the FY2012 budget as last year. For the Ag Development and Farmland Preservation Trust Fund, money has been set aside for term easements. There was a discussion among the group regarding obtaining easements.

(6-D) Task Order with EEP

Mr. Testerman reported this is the third task order that the state Division of Soil and Water Conservation entered into with the Ecosystem Enhancement Program. The District receives a finder's fee for finding sites for restoration. There are potential sites within the City of Concord that the District is researching.

UPON MOTION of Jeff Goforth, seconded by Johnathon Johnson and unanimously carried, the Board authorized the staff to identify potential stream and wetland sites in the Upper Rocky River Local Watershed Program Plan area for restoration and preservation by the state Ecosystem Enhancement Program as requested by Task Order Request No: 10CT05-1.

(6-E) Public Speaking/Essay Contests

The contest will be held December 6, 2010 at 7:00 pm in the auditorium and kitchen of the Cooperative Extension Building. Staff does not have any information yet on participating schools.

(7) Information/Reports

(7-A) Chairman's Report/Community Conservation

Bob Ritchie has encouraged members of the state Community Conservation Committee to fill the seat he is vacating as Chairman of that committee. He also talked about the quarterly Management Meeting that was held last week, which included topics regarding the Clean Water Management Trust Fund Grant, the Cox Mill Elementary School conservation easement, the secretary/treasurer of the Board being involved in the Budget process, the reclassification of the Administrative Secretary position, the CIP items and a new Board of Commissioners Liaison to the District. Mr. Ritchie also discussed a possible District Facebook page. There was a discussion among the group regarding maintaining the Facebook page and how the page would be used by the public.

(7-B) Cabarrus County Board of Commissioners

Grace Mynatt suggested that the new County Commissioners be educated at the beginning of their term on what the District does in the County.

(7-C) NC Foundation for S&W Conservation & NCASWCD Leadership Initiative

Ned Hudson stated a Foundation meeting will be held in a few weeks. The Association is still planning on having another Leadership Initiative group next year.

(7-D) NC Department of Environment and Natural Resources

Ralston James reviewed meetings and events that the Board may need to be aware of in the coming months. Mr. James also discussed the possible budget reductions of within the Division of Soil & Water Conservation in Raleigh.

(8) Personnel Matter

Mr. Ritchie wanted to open the discussion with a few words. Johnathon Johnson interjected regarding Mary Bibb, a citizen that was at the meeting with a failing home foundation and therefore, delayed the personnel matter discussion. Mr. Johnson stated he should have brought this matter up for addition under New Business. There was a discussion among the group regarding assisting Ms. Bibb. Ms. Bibb explained her situation to the group.

Mr. Ritchie continued discussing the personnel matter. He explained how the issue of attendance/missed meetings by Johnathon Johnson had come about through a memo to the state Soil and Water Conservation Commission from the state Attorney General's office containing advice on removal of District board members. A District memo sent to the Commission and holds a place on their agenda for November 10, 2010. Mr. Ritchie states he feels the District was obligated to send their memo due to the fact that Mr. Johnson failed to appear at three consecutive District meetings. Mr. Ritchie met with Mr. Johnson to discuss the issue.

Mr. Johnson stated he did not have any prepared words. He explained that had been out campaigning all day. Mr. Johnson said he was hurt that no one had called to check on him after meetings he missed. He feels that he really only missed two meetings and not four meetings. He had a personal issue arise in September that only exacerbated his PTSD condition (Post Traumatic Stress Disorder), which he has had for years. Mr. Johnson went into more personal details at this time. He stated that he was hospitalized six days in September and four days in October. He also mentioned he will be enrolling in classes to help with his PTSD. Mr. Johnson stated that Mr. Ritchie told him in September that "We have a quorum. You can miss the meeting and go home."

Ms. Forbes, Mr. Johnson's mother, spoke on his behalf. She stated that she knows his son has issues since he has come back from military combat. She said the Board has no idea what he has been through. She also said he was very upset when the Administrative

Secretary position was eliminated and wrote letters to try to get the position back. She said they are trying to get his medication adjusted. Ms. Forbes left the room after becoming upset.

Mr. Johnson stated he was sorry he won the election two years ago. He said he is passionate about this job and has helped many people begin recycling. He said agriculture is the backbone of this country. He said he cares about the County and State. He said he showed up on October 6, 2010, thinking that that was the date of the District meeting rather than the first Tuesday, and was going to discuss a partnership between the District and the Veterans of Foreign Wars and American Legion. He assured the Board that he should only have two consecutive absences, not four. Mr. Johnson said he doesn't mind Tommy Porter being an Associate Supervisor. He said his cousin, Scott Herman (former Board member), warned him about a possible effort to return Mr. Porter to the Board if Mr. Porter lost the election to Mr. Johnson. He said conservation is his passion. He asserted that he has never neglected his duty and has gone above and beyond his duty, even outside of Cabarrus County. Mr. Johnson said he would be at every meeting from now on.

Ms. Walker stated Mr. Johnson is passionate about these issues. She feels that if someone has an illness, meeting absences should be excused.

Mr. Johnson said he does go outside of Cabarrus County to work for the District. He stated his family includes farmers. He asked the Board to rescind their memo to the Commission. Mr. Johnson said he was the only District Board Supervisor to represent the District in Midland and Harrisburg when he spoke to the Town Councils about the District's annual Stewardship Week proclamation. He also spoke in front of the City of Concord Council as well as the Mt. Pleasant council.

Mr. Ritchie suggested the Board take a 15 minute recess.

UPON MOTION of Jeff Goforth, seconded by Ned Hudson and unanimously carried, the Board recessed the meeting at 8:50 pm for 15 minutes.

The meeting was called back to order by Bob Ritchie at 9:05 pm.

Following the recess, Chairman Ritchie explained to the group that he invited Cabarrus County attorney Rich Koch to provide them with legal counsel. He stated that the board has not done anything illegal, yet this is a very serious issue. Mr. Hudson added that the decision to send a memorandum to the state Soil and Water Conservation Commission was based on attendance. Vice-Chairman Goforth noted that there was a misunderstanding that resulted from lack of communication. He acknowledged that it was difficult for Mr. Johnson to make the presentation he just made to the board. He then made a motion to rescind the memorandum, which was seconded by Mr. Johnson.

Chairman Ritchie then opened a discussion of the motion. He began the discussion by observing that the medical records produced by Mr. Johnson did not verify that any hospitalizations occurred on dates when District meetings were held. He refuted Mr. Johnson's assertion that he had "excused" Mr. Johnson's absence from that meeting. He further stated that he did not believe he had such authority as Chairman. He also dismissed Mr. Johnson's claim that he was misled by the association of the date of October 6 with the October Board meeting by a calendar of events distributed for the September Board meeting, noting that this calendar is not an official listing of Board meeting dates.

Chairman Ritchie then told Mr. Johnson that he was personally offended by Mr. Johnson's repeated statements about how much more he has done than other Board members. Mr. Johnson responded that he did not intend to assert that he was contributing more than other Board members. Chairman Ritchie repeated that this was how Mr. Johnson was coming across to him. Mr. Johnson stated he was sorry if he offended any Board member and that he is here to learn.

Mr. Hudson noted that this controversy has taken time away from the work of the District, and everyone must work together. He also said as a Board, we want to do and say the right thing inside or outside the County. Mr. Hudson repeated Chairman Ritchie's assertion that the District is one of the best districts in the state and this matter has become an unfortunate distraction.

Vice-Chairman Goforth urged Mr. Johnson to calm down, focus his passion, and take a step back to figure out his role with the District. Vice-Chairman Goforth reminded Mr. Johnson that he does not have the full picture of the District's role.

Mr. Johnson interjected repeated promises to regularly attend meetings.

Mr. Suther assured Mr. Johnson that the Board is not out to get him and he encouraged Mr. Johnson to think about the good of the District.

UPON MOTION of Jeff Goforth, seconded by Johnathon Johnson and unanimously carried, the Board voted to rescind the memorandum from the October Board meeting to the Soil & Water Conservation Commission until further notice.

(9) Adjourn

UPON MOTION of Jeff Goforth, seconded by Ned Hudson and unanimously carried, the Board adjourned the meeting at 9:20 p.m.

Bob Ritchie, Chairman

Ned Hudson, Secretary-Treasurer